

Attorney Docket No.: DEX-0205
Inventors: Pluta et al.
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REMARKS

Claims 1 and 3-6 are pending in the instant application. Claims 1 and 3-6 have been rejected. Claim 1 has been amended and claims 5 and 6 have been canceled. New claims 26 through 30 which depend from claim 1 have been added. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 112, second paragraph

Claims 1 and 3-6 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner suggests that there is insufficient antecedent basis for the phrase "the same protein" in claim 1, part (b).

Accordingly, in an earnest effort to advance the prosecution of this case, claim 1, part (b) has been deleted.

Withdrawal of this rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

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II. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 112, first paragraph - Lack of Written Description

Claims 1 and 3-6 have been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner suggests that the specification as filed does not describe the necessary protein structure to describe the instantly claimed nucleic acid structures of claim 1(b).

Applicants respectfully traverse this rejection. Applicants believe that deducing the amino acid sequence of a newly disclosed nucleic acid can be performed routinely by those skilled in the art and need not be described in detail in the instant specification.

However, as discussed in Section I, supra, claim 1 has been amended to delete part (b). This amendment renders moot this rejection. Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 1 and 3-6 under 35 U.S.C. § 112, first paragraph

Claims 1, 3 and 4 have been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. The Examiner has

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acknowledged the specification to be enabling for SEQ ID NO: 1-13. Accordingly, Applicants have added new claims 26 through 30 dependent from claim 1 and drawn to specific nucleic acid sequences acknowledged to be enabled.

The Examiner suggests that the specification does not reasonably provide enablement for degenerate nucleic acid molecules encoding the proteins encoded by SEQ ID NO:1-13 set forth in part 1(b).

Applicants respectfully traverse this rejection. Applicants believe that deducing the amino acid sequence of a newly disclosed nucleic acid can be performed routinely by those skilled in the art and need not be described in detail in the instant specification.

However, as discussed in Section I, supra, claim 1 has been amended to delete part (b). This amendment renders moot this rejection. Withdrawal of this rejection is therefore respectfully requested.

Claims 5 and 6 have also been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, as the Examiner suggests that the specification does not teach how to make a "SSG polypeptide".

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Applicants respectfully traverse this rejection. Techniques for production of a polypeptide from a newly disclosed nucleic acid sequence are well known to those skilled in the art and need not be described in detail in the specification. See MPEP § 2164.01.

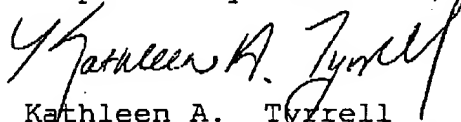
However, in an earnest effort to advance the prosecution of this case, Applicants have canceled claims 5 and 6.

Withdrawal of this rejection is therefore respectfully requested.

IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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Date: February 5, 2004

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